



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Virginia Department of Transportation (Commonwealth Transportation Board)
<b>VAC Chapter Number:</b>	24 VAC 30-570-10 et seq.
<b>Regulation Title:</b>	Procedures for Route Inclusion into the Non-Interstate Qualifying Network and Virginia Access Systems
<b>Action Title:</b>	Review and Retain
<b>Date:</b>	January 23, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation establishes policies and procedures to be followed by parties involved in the formulation of decisions concerning requests for inclusion of routes into the Surface Transportation Assistance Act (STAA) Network. The procedures include a written request by the requesting party, specifying the desired route for study, location, termini, and vehicle type, as well as field reviews and exceptions. VDOT investigates and responds to all requests for inclusion of specific routes into both the Non-Interstate Qualifying Highways Network and the Virginia Access System. The Office of the Attorney General has determined that this regulation is exempt from the APA under the exemption granted by § 9-6.14:4.1B11 (traffic signs, markers, or control devices.)

## Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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The statutory basis for this regulation is §§ 46.2-1112, 46.2-1116, and 46.2-1189 of the *Code of Virginia*. The regulation does not exceed the minimum requirements of the state mandate. Although the final authority for designating routes is vested in the CTB, VDOT may deny requests made under this regulation if the results of the engineering/safety review do not support granting access to such routes.

The Surface Transportation Assistance Act (STAA) (Public Law 97-424), which was originally enacted in 1982, established different networks of highways for access by overdimensional vehicles. A 1990 amendment to the STAA (23 CFR 658.19) required each state to have its access provisions approved by the Federal Highway Administration. VDOT's regulation is actually less restrictive than the federal regulation because VDOT allows trucks of a length greater than 48 feet (53 feet) to travel designated routes.

## Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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VDOT received no public comment during the Notice of Periodic Review, so no response was prepared. No advisory group was formed to assist in the periodic review.

## Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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This regulation's goal is to protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth. Ensuring that the safety of travelers on Virginia's roads is an important goal. Fostering economic development is an important aspect of the public welfare that this regulation also addresses in an indirect fashion. By

establishing procedures whereby firms can gain access to routes not previously designated, the ability of these firms to transact business (e.g., ship cargo) will be enhanced. As a result, goods may reach more markets faster, consumers will have freer access to more goods, and the economic health of the business will benefit.

This regulation has no direct effect on the institution of the family and family stability. Because the regulation has some effect on the ease with which firms can transact businesses, there may be some positive effect on economic opportunity and family income, but the extent cannot be accurately measured.

VDOT believes that the lack of public comment received concerning the regulation indicates broad satisfaction with the format of the regulation, the manner in which it is implemented, its clarity and ease of comprehension, and its effectiveness.

## Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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There is no viable alternative to achieve the purpose of this regulation in another form. Should VDOT wish to preserve traffic safety with the greatest degree of confidence, it could bar access to non-designated routes and not accept requests for access from businesses and trucking firms. However, this option would ignore the economic development aspect of the overall goal. By allowing businesses to request access, and performing the necessary engineering studies, the regulation offers enough flexibility to address legitimate needs of businesses while ensuring that the infrastructure is not compromised, and traveler safety is preserved. Data used to perform the review includes: termini, road classification, pavement width, posted speed limits, average daily traffic, accident history, type of roadside development, and other geometric factors. VDOT also works with industry and trucking associations in the establishment of facilities on roads already in the STAA network, or those that can be expediently added to the network.

Therefore, the CTB and VDOT consider this regulation to be the least burdensome alternative available for achieving the purpose of the regulation.

## Recommendation

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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VDOT recommends that this regulation be retained without change.

**Family Impact Statement**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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